

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Filed Against:

CASE NO.: PT-2003-1914

**ROGETTA MARIE SHELTON**

1650 N. Murray Blvd., #305  
Colorado Springs, CO 80915

**DEFAULT DECISION  
AND ORDER**

Psychiatric Technician License No. PT 31044

Respondent

Rogetta Marie Shelton ("Respondent") was served Accusation No. PT-2003-1914; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on November 13, 2008 at her address of record as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

The Board of Vocational Nursing and Psychiatric Technicians ("Board") has determined that Respondent has waived her rights to a hearing to contest the merits of the Accusation and that the Board will take action on the Accusation without a hearing, pursuant to Government Code section 11520.

The Board makes the following findings of fact:

**FINDINGS OF FACT**

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Accusation solely in her capacity as the Board's Executive Officer.
2. On August 24, 2001, the Board issued Psychiatric Technician License No. PT 31044 to Respondent. Said license expired on June 30, 2005 and has not been renewed.
3. Pursuant to Business and Professions Code section 4520, the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 of the Psychiatric Technician Law.

1           4. Pursuant to Business and Professions Code section 118(b), the expiration of a  
2 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
3 period within which the license may be renewed, restored, reissued, or reinstated. Under Business  
4 and Professions Code section 4545, the Board may renew an expired license at any time within four  
5 (4) years after the expiration.

6           5. Respondent has subjected her license to discipline under Business and  
7 Professions Code section 4521(n) in that Respondent has committed dishonest acts which are  
8 substantially related to the qualifications, functions and duties of a licensed psychiatric technician, as  
9 described in Accusation No. PT-2003-1914, a copy of which is attached as Exhibit "1" and  
10 incorporated by reference.

11           6. Respondent has subjected her license to discipline under Business and  
12 Professions Code sections 490 and 4521(f) together with California Code of Regulations, title 16,  
13 section 2578 in that Respondent has been convicted of substantially related criminal offenses, as  
14 described in Accusation No. PT-2003-1914.

15           7. Respondent has subjected her license to discipline under Business and  
16 Professions Code section 4521(l) in that Respondent failed to report the conduct which resulted in  
17 her conviction for petty theft or her arrest for being under the influence of narcotics or dangerous  
18 drugs despite requests in writing to Respondent's address of record on file with the Board, as  
19 described in Accusation No. PT-2003-1914.

#### 20                           **DETERMINATION OF ISSUES**

21           Based on the foregoing Findings of Fact, Respondent has subjected her license to  
22 discipline under Business and Professions Code sections 490, 4521(f), 4521(n) and 4521(l), and  
23 California Code of Regulations, title 16, sections 2578.

#### 24                           **LOCATION OF RECORD**

25           The record on which this Default Decision is based is located at the Sacramento  
26 office of the Board of Vocational Nursing and Psychiatric Technicians.

#### 27                           **ORDER**

28           **WHEREFORE**, the Board of Vocational Nursing and Psychiatric Technicians

1 makes the following order:


2           Psychiatric Technician License No. PT 31044 authorizing Respondent to act as a  
3 psychiatric technician is hereby revoked.

4           Respondent shall have the right to petition for reinstatement of the aforesaid license  
5 pursuant to the provision of section 4524(a)(1) of the Business and Professions Code.

6           Respondent shall not be deprived of making any further showing by way of  
7 mitigation; however, such showing must be made directly to the Board of Vocational Nursing and  
8 Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to  
9 the effective date of this Decision.

10  
11           This Default Decision shall become effective on March 29, 2009.

12           Dated and signed February 27, 2009.

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16 John P. Vertido, L.V.N.  
17 President  
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27 Attachments:   Exhibit "1", Accusation No. PT-2003-1914 and Declaration of Service  
28

Exhibit "1"

Accusation No. PT-2003-1914 and Declaration of Service

NOV 13 2008

**Board of Vocational Nursing  
and Psychiatric Technicians**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GLORIA A. BARRIOS  
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6  
7 Attorneys for Complainant

8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. PT-2003-1914

13 ROGETTA MARIE SHELTON AKA  
14 ROGETTA MARIE INGLE  
1650 N. Murray Blvd., #305  
Colorado Springs, CO 80915  
Psychiatric Technician License No. PT 31044

**ACCUSATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric  
21 Technicians.

22 2. On or about August 24, 2001, the Board of Vocational Nursing and  
23 Psychiatric Technicians issued Psychiatric Technician License Number PT 31044 to Rogetta  
24 Marie Shelton aka Rogetta Marie Ingle (Respondent). The Psychiatric Technician License  
25 expired on June 30, 2005, and has not been renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians within the Department of Consumer Affairs of the State of California, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 4520 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 4545 of the Code, the Board may renew an expired license at any time within four years after the expiration.

6. Section 4521 of the Code states:

"The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)) for any of the following reasons:

"(a) Unprofessional conduct, which includes but is not limited to any of the following:

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or terms of this chapter.

"(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

1           “(l) Failure to report the commission of any act prohibited by this section.

2           “....

3           “(n) The commission of any act involving dishonesty, when that action is  
4 substantially related to the duties and functions of the licensee.

5           7.       Section 490 of the Code provides, in pertinent part, that the Board may  
6 suspend or revoke a license when it finds that the licensee has been convicted of a crime  
7 substantially related to the qualifications, functions, or duties of a licensed psychiatric technician.

8           8.       Section 125.3 of the Code provides, in pertinent part, that a Board may  
9 request the administrative law judge to direct a licensee found to have committed a violation or  
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
11 and

12           9.       California Code of Regulations, title 16, section 2578, states:

13           “For the purposes of denial, suspension, or revocation of a license pursuant to  
14 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or  
15 act shall be considered to be substantially related to the qualifications, functions or duties of a  
16 licensed psychiatric technician if to a substantial degree it evidences present or potential  
17 unfitness of a licensed psychiatric technician to perform the functions authorized by his license in  
18 a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include  
19 but not be limited to those involving the following:

20           “(a) Procuring a license by fraud, misrepresentation, or mistake.

21           “(b) A conviction of practicing medicine without a license in violation of Chapter  
22 5 of Division 2 of the Business and Professions Code.

23           “(c) Violating or attempting to violate, directly or indirectly, or assisting in or  
24 abetting the violation of, or conspiring to violate any provision or term of Chapter 10, Division 2  
25 of the Business and Professions Code.

26           “(d) Aiding or assisting, or agreeing to aid or assist any person or persons,  
27 whether a licensed physician or not, in the performance of or arranging for a violation of any of  
28 the provisions of Article 13, Chapter 5, Division 2 of the Business and Professions Code.

1           “(e) Conviction of a crime involving fiscal dishonesty.

2           “(f) Any crime or act involving the sale, gift, administration, or furnishing of  
3 ‘narcotics or dangerous drugs or dangerous devices’ as defined in Section 4022 of the Business  
4 and Professions Code.”

5           10.     Section 490 of the Code states:

6           “A board may suspend or revoke a license on the ground that the licensee has been  
7 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties  
8 of the business or profession for which the license was issued. A conviction within the meaning  
9 of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
10 contendere. Any action which a board is permitted to take following the establishment of a  
11 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
12 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
13 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
14 Penal Code.”

15           11.     Section 125.3 of the Code provides, in pertinent part, that the Board may  
16 request the administrative law judge to direct a licensee found to have committed a violation or  
17 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
18 and enforcement of the case.

19                               FIRST CAUSE FOR DISCIPLINE

20                               (Commission of Substantially Related Dishonest Acts)

21           12.     Respondent is subject to disciplinary action under section 4521(n) in that  
22 Respondent has committed dishonest acts which are substantially related to the qualifications,  
23 functions and duties of a licensed psychiatric technician. The circumstances are as follows:

24           A.     On or about November 30, 2003, at approximately 10:15 a.m.,  
25 Respondent, who was employed as a psychiatric technician at Atascadero State Hospital, exited  
26 the secured area of the hospital through a sallyport where she observed hospital police officers  
27 conducting random searches of exiting employees using a fluoroscope machine.

28     ///



1 B. An officer assigned to the sallyport in question observed Respondent  
2 acting in a suspicious manner when it became apparent that she would be searched and then  
3 suddenly announcing that she had forgotten her keys and had to go back into the hospital.  
4 Respondent re-entered the hospital, but did not return to her unit area, a 16-20 minute walk  
5 during which she would have been visible on internal security cameras.

6 C. Respondent returned to the sallyport in within approximately three  
7 minutes and passed through the search with no contraband being found on her person. A search  
8 of the women's rest room adjacent to the sallyport area revealed a paper bag under the liner in a  
9 trash can. The paper bag contained property of the hospital, including medications, personal  
10 hygiene items and a laxative.

11 D. Upon returning to the hospital sallyport after lunch, Respondent was  
12 confronted with the items found in the bag in the rest room and confessed that she had taken the  
13 items from the Unit 32 medication room.

14 E. On December 4, 2003 Respondent was again interviewed about the stolen  
15 hospital property and at that time denied she had stolen other property from the hospital. In  
16 response to a request to search her home, Respondent gave her consent for a search of her home.

17 F. A subsequent search of Respondent's home on or about December 4,  
18 2003 disclosed a variety of items that had been removed from Atascadero State Hospital.

19 G. The search of Respondent's home also disclosed a purse containing a  
20 passport and checks belonging to another person, Maria Guadalupe C., which had been reported  
21 to the Morro Bay Police Department as stolen.

22 H. As a result of the thefts by Respondent, she was terminated by the State of  
23 California and criminally prosecuted.

#### 24 SECOND CAUSE FOR DISCIPLINE

25 (Commission of a Substantially Related Criminal Offense)

26 13. Respondent is subject to disciplinary action under sections 490 and  
27 4521(f) of the Code together with California Code of Regulations, title 16, section 2578 in that  
28 she has been convicted of substantially related criminal offenses. The circumstances are as

1 follows:

2 A. On or about January 13, 2004, the District Attorney in and for the county  
3 of San Luis Obispo, Paso Robles Branch filed a charge of a violation of Penal Code Section  
4 484(A) Petty Theft against Respondent as a result of the investigation set forth herein above in  
5 Paragraph 12, with a court appearance date of February 19, 2004.

6 B. Respondent herein failed to appear for her court appearance on February  
7 19, 2004 and as a result a bench warrant was issued for her.

8 C. On or about June 14, 2004 a search was conducted by officers on the  
9 residence that Respondent shared with her husband. At that time Respondent was determined to  
10 be under the influence of narcotics or drugs and arrested.

11 D. On June 18, 2004 in a case entitled *The People of the State of California*  
12 *vs. Rogetia Marie Shelton*, bearing Case No. M000352058 before the Superior Court of the  
13 State of California, County of San Luis Obispo, Paso Robles Branch Court, Respondent entered a  
14 plea of nolo contendere to the information. As a result of said plea, Respondent was found guilty  
15 and placed on probation for a period of 18 months on condition that she serve a day in county jail  
16 and pay a fine of \$536.00 and costs of \$100.00.

17 E. On or about June 21, 2004 Respondent was convicted of a violation of  
18 Health and Safety Code Section 11550(A), being under the influence of narcotics or dangerous  
19 drugs in a case entitled *The People of the State of California vs. Rogetia Marie Shelton*, bearing  
20 Case No. M000358752 before the Superior Court of the State of California, County of San Luis  
21 Obispo, Paso Robles Branch Court, Respondent entered a plea of nolo contendere to the  
22 information and was diverted pursuant to Penal Code Section 1000. The charge was dismissed  
23 by the court following completion of a treatment program on or about May 9, 2007.

24 THIRD CAUSE FOR DISCIPLINE

25 (Commission of an Act of Dishonesty)

26 14. Respondent is subject to disciplinary action under section 4521(n) in that  
27 the conduct set forth above in paragraph 12 constitutes dishonesty and is substantially related to  
28 the duties of a psychiatric technician in that the material stolen was taken from her employer, a

1 mental hospital where she was employed and included supplies for her patients.

2 FOURTH CAUSE FOR DISCIPLINARY ACTION

3 (Failure to Report the Commission of a Violation)

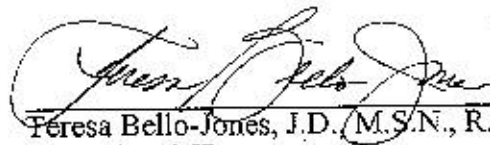
4 15. Respondent is subject to disciplinary action under section 4521(l) in that  
5 the she failed to report the conduct which resulted in her conviction for petty theft or her arrest  
6 for being under the influence of narcotics or dangerous drugs, as set forth in Paragraphs 12 and  
7 13, despite requests in writing to Respondent's address of record on file with the Board.  
8 Respondent failed to respond to said inquiries or report herself to the Board as required.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
11 alleged, and that following the hearing, the Department of Consumer Affairs issue a decision:

- 12 1. Revoking or suspending Psychiatric Technician License Number PT  
13 31044, issued to Rogetta Marie Shelton aka Rogetta Marie Ingle Rogetta Marie Shelton.
- 14 2. Ordering Rogetta Marie Shelton to pay the Board of Vocational Nursing  
15 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this  
16 case, pursuant to Business and Professions Code section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: November 13, 2008

20  
21 

22 Teresa Bello-Jones, J.D., M.S.N., R.N.  
23 Executive Officer  
24 Bureau of Vocational Nursing and Psychiatric Technicians  
25 State of California  
26 Complainant

**DECLARATION OF SERVICE BY CERTIFIED MAIL  
AND  
DECLARATION OF SERVICE BY FIRST CLASS MAIL**

Case Name: In the Matter of the Accusation Against:  
Rogetta Marie Shelton

Case No.: PT-2003-1914

I declare:

I am employed in the County of Sacramento, California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833-2945.

On November 13, 2008, I served the attached:

ACCUSATION, STATEMENT TO RESPONDENT, NOTICE OF DEFENSE (2 COPIES),  
COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7, AND  
REQUEST FOR DISCOVERY

in said cause, by placing a true copy thereof enclosed in two separate sealed envelopes with postage thereon fully prepaid by Certified Mail and First Class Mail, in the United States mail at Sacramento, California, addressed as follows:

NAME/ADDRESS

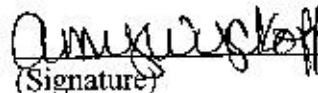
CERTIFIED MAIL NUMBER

Rogetta Marie Shelton  
1650 N. Murray Blvd., #305  
Colorado Springs, CO 80915

7008 0500 0002 0342 2759

I declare under penalty of perjury the foregoing is true and correct, and that this declaration was executed at Sacramento, California on November 13, 2008.

Amy Wyckoff  
(Typed Name)

  
(Signature)

cc: Earl R. Plowman, Deputy Attorney General